

## PROPOSED REVISIONS TO THE UNIFORM JURY INSTRUCTIONS FOR CRIMINAL CASES

The Committee on Uniform Jury Instructions for Criminal Cases is considering whether to recommend proposed amendments to the Uniform Jury Instructions—Criminal for the Supreme Court’s consideration. If you would like to comment on the proposed amendments set forth below before they are submitted to the Court for final consideration, you may do so by either submitting a comment electronically through the Supreme Court’s web site at <http://nmsupremecourt.nmcourts.gov/> or sending your written comments to:

Kathleen J. Gibson, Clerk  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848

Your comments must be received by the Clerk on or before October 27, 2008, to be considered by the Court.

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### **14-2217. Aggravated fleeing a law enforcement officer.** **[NEW MATERIAL]**

For you to find the defendant guilty of aggravated fleeing a law enforcement officer [as charged in Count \_\_\_\_\_]1, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant operated a motor vehicle;
2. The defendant drove willfully and carelessly in a manner that endangered the life of another person;
3. The defendant had been given a visual or audible signal to stop by a uniformed law enforcement officer in an appropriately marked law enforcement vehicle;
4. The defendant knew that a law enforcement officer had given him an audible or visual signal to stop;
5. This happened in New Mexico, on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

#### USE NOTE

1. Insert the count number if more than one count is charged.  
[As approved by Supreme Court Order \_\_\_\_\_, effective \_\_\_\_\_.]

**Statutory reference.** — NMSA 1978, § 30-22-1.1 (2003).

**Committee commentary.** — Although the statute requires that the pursuit be conducted “in accordance with” the Law Enforcement Safe Pursuit Act, NMSA 1978, Sections 29-20-1 to -4 (2003), this is not an essential element of the crime. *State v. Padilla*, 2008-NMSC-006, 143 N.M. 310, 176 P.3d 299, *reversing State v. Padilla*, 2006-NMCA-107, ¶ 19.

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